

REMARKS

In response to the Office Action mailed July 26, 2005, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks, has canceled claims and has added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1-20 were pending in this Application. By this Amendment, claims 2, 7, 10, 14, 17 and 20 have been canceled. Applicants expressly reserve the right to prosecute at least some of the canceled claims and similar claims in one or more related Applications. Claims 21-23 have been added. Accordingly, claims 1, 3-6, 8-9, 11-13, 15-16, 18-19 and 21-23 are now pending in this Application. Claims 1, 6, 9, 13, 16 and 19 are independent claims.

Rejections under §102

Claims 1, 6 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No.5,596,577 to Perreault et al. (hereinafter Perreault). Perreault discloses a method and system for providing access by secondary stations to a shared transmission medium.

Claim 1 has been amended to further recite the limitations of claim 2, namely that determining whether to add the sender of the polling request to a polling schedule is based on whether the destination is associated with an emergency call center. Regarding claim 2, the Examiner stated that Perreault fails to teach wherein the destination is associated with an emergency call center. The Examiner cited Japanese Patent Publication Number 09-331404 to Ito Koji (hereinafter Koji). The Examiner stated that Koji teaches determining whether a destination is associated with an emergency call center.

Applicant respectfully disagrees with the Examiner's statement. A review of Koji reveals prioritizing polling requests based on the source of the call, not the destination. Therefore, since Perreault fails to disclose or suggest adding a sender of a polling request to a polling schedule based on whether the

destination is associated with an emergency call center, and Koji discloses receiving and prioritizing a polling request based on the source of the call, neither Perreault nor Koji, taken alone or in combination, disclose or suggest adding a sender of a polling request to a polling schedule based on whether the destination is associated with an emergency call center, while amended claim 1 recites adding a sender of a polling request to a polling schedule based on whether the destination is associated with an emergency call center, amended claim 1 is believed allowable. Claims 6 and 9 have been amended in a similar manner as claim 1, and are believed allowable for the same reasons discussed above with respect to claim 1.

Further, claim 9 recites in part determining a transmit opportunity duration based on the destination. The Examiner stated that Perreault discloses the same at column 2, lines 50-67. A review of Perreault reveals a primary station controlling which secondary stations may transmit data by transmitting polls to a secondary station. Perreault thus discloses whether a transmit opportunity is provided, but not that the duration of the transmit opportunity is based on the destination.

Rejections under §103

The Examiner rejected claims 2-12, 14-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Perreault in view of Koji. Both Perreault and Koji have been discussed above. Claims 2, 7, 10, 14, 17 and 20 have been cancelled without prejudice. Claims 3-5, 8, 11-12, 15 and 18 depend from claims 1, 6, 9, 13 or 16 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 2-12, 14-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Perreault in view of Koji is believed to have been overcome.

The Examiner rejected claims 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,956,338 to Ghaibeh (hereinafter Ghaibeh) in view of U.S. Patent No. 6,671,284 to Yonge, III et al. (hereinafter Yonge).

Ghaibeh discloses a protocol for broadband data communication over a shared medium. Yonge teaches frame control for efficient media access. Claims 13 and 19 have been amended in a similar manner as claim 1, in that claims 13 and 19 now include the limitation regarding adding a sender of a polling request to a polling schedule based on whether the destination is associated with an emergency call center. Neither Ghaibeh nor Yonge, taken alone or in combination, disclose or suggest adding a sender of a polling request to a polling schedule based on whether the destination is associated with an emergency call center. Accordingly, amended claims 13 and 19 are believed allowable over Ghaibeh and Yonge, and the rejection of claims 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Ghaibeh in view of Yonge is believed to have been overcome.

Newly Added Claims

Claims 21-23 have been added and are believed to be in allowable condition. Claims 21-23 depend from claims 1, 6, and 13 respectively. Support for claims 21-23 is provided within the Specification, for example, on page 9 at paragraph 55 through page 10 paragraph 57. Applicant asserts that no new matter has been added.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

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Attorney Docket No.: AVA04-07

Dated: October 18, 2005